

The Honorable Brian A. Tsuchida

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
ROBERT ANDRE FRAZIER,  
Defendant.

CASE NO. MJ 16-33

COMPLAINT for VIOLATION

18 U.S.C. § 922(g)(1)

BEFORE Brian A. Tsuchida, United States Magistrate Judge, U.S. District Courthouse, Seattle, Washington.

The undersigned complainant being duly sworn states:

## COUNT 1

## **Felon in Possession of a Firearm**

On or about November 17, 2015, at Seattle, within the Western District of Washington, ROBERT ANDRE FRAZIER, after having been convicted of a crime punishable by imprisonment for a term exceeding one year, to wit: Murder in the First Degree, Kitsap County Superior Court cause number 81-1-00394-8, on or about November 23, 1981, did knowingly possess, in and affecting interstate and foreign commerce, a firearm, to wit: an Amadeo Rossi SA, model 88, .38 special caliber revolver, bearing serial number W266688, that had been shipped and transported in interstate and/or foreign commerce.

1 All in violation of Title 18, United States Code, Section 922(g)(1).  
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3

3 The undersigned complainant, Catherine Cole, being first duly sworn on oath,  
4 deposes and says:

5 **Affiant Background and Qualifications**

6 1. I am a Special Agent (SA) for the Bureau of Alcohol, Tobacco, Firearms  
7 and Explosives (ATF), and have been so employed since December 29, 2013. I am  
8 currently assigned to the Seattle Group IV Field Office (Intelligence) where I am further  
9 assigned to the Puget Sound Regional Crime Gun Task Force (CGTF). I am a graduate  
10 of the Federal Law Enforcement Training Center, Criminal Investigator Training  
11 Program, and the ATF National Academy, both in Glynco, Georgia. During this training,  
12 I received instruction relating to the investigation of firearm and explosives violations.  
13 Prior to this employment, I obtained bachelors' degrees in French and Political Science  
14 with a concentration on international relations from Tulane University in New Orleans,  
15 Louisiana, and a master's degree in Natural Resources Law Studies from the University  
16 of Denver College of Law in Denver, Colorado. During my career I have had training  
17 and experience investigating violent crimes against persons and crimes against the  
18 government. I have been involved in numerous investigations involving the unlawful  
19 purchase and/or unlawful possession of firearms and explosives. I have participated in or  
20 executed search and seizure warrants with respect to the illegal possession of firearms  
21 and explosives.

22 2. The statements contained in this affidavit are based on my own  
23 investigation, my training and experience as a law enforcement agent, as well as  
24 information provided to me by and/or through other law enforcement agents,  
25 investigators, and individuals with knowledge of this matter, during the course of my  
26 investigation, and through my review of documents. This affidavit summarizes such  
27 information but does not provide each and every detail known by your affiant regarding  
28

1 this investigation; rather it provides information necessary to establish probable cause for  
2 the arrest of ROBERT ANDRE FRAZIER.

## **Purpose of Affidavit**

4       3. This affidavit is made in support of a Complaint against ROBERT ANDRE  
5 FRAZIER for the offense of Felon in Possession of a Firearm in violation of Title 18,  
6 United States Code, Section 922(g)(1), and I am presenting this affidavit electronically  
7 pursuant to Local Criminal Rule 41(d)(3).

## **Investigation and Probable Cause**

9       4. On November 6, 2015, a confidential source (CS) contacted Washington  
10 State Department of Corrections (DOC) Community Correction Specialist (CCS) and  
11 ATF CGTF Task Force Officer (TFO) Kristoffer Rongen and informed him that  
12 ROBERT ANDRE FRAZIER, an individual currently on DOC supervision for a felony  
13 conviction of Murder in the First Degree, was in possession of a firearm and living in a  
14 motel room in South Seattle. As a condition of his DOC supervision, ROBERT ANDRE  
15 FRAZIER is prohibited from possessing firearms and from residing anywhere but at a  
16 location screened and approved by the DOC. The motel at which ROBERT ANDRE  
17 FRAZIER was residing was not a DOC pre-approved residence.

18        5.      On November 15, 2015, TFO Rongen spoke with the CS who stated that  
19 ROBERT ANDRE FRAZIER was staying at the Star Motel located at 5216 Fourth  
20 Avenue South, Room #2, Seattle, Washington. The CS further informed TFO Rongen  
21 that he/she saw a gun lying on the bed inside the motel room. The CS described the  
22 firearm as having a black rubber grip. He/she further stated that it appeared the firearm  
23 was a chrome-colored revolver and was kept in a black holster.

24        6.      On November 16, 2015, TFO Rongen and DOC CCS/ATF CGTF TFO  
25 John Conaty conducted surveillance on the Star Motel, focusing their attention on Room  
26 #2. At approximately 11:00 a.m., TFO Rongen observed ROBERT ANDRE FRAZIER  
27 exit the room. ROBERT ANDRE FRAZIER proceeded to load items into a black Honda  
28 CRV with a replacement silver hatchback door and paper temporary license plates in the

1 rear window. A white female, later identified as Adriana M. Izquierra, assisted ROBERT  
 2 ANDRE FRAZIER with loading several bags into the vehicle before they departed from  
 3 the motel. Izquierra was driving and ROBERT ANDRE FRAZIER was the front-seat  
 4 passenger in the black Honda. Izquierra drove the Honda to a local DOC office.  
 5 ROBERT ANDRE FRAZIER then went into the DOC office where he reported to his  
 6 supervising DOC officer. TFOs Rongen and Conaty later spoke with the DOC officer to  
 7 whom ROBERT ANDRE FRAZIER had reported, Officer Moen. According to Officer  
 8 Moen, ROBERT ANDRE FRAZIER had just told him that he was living at his pre-  
 9 screened, pre-approved residence of record, 7325 Rainier Avenue South, Apartment 109,  
 10 Seattle, Washington. Officer Moen told TFOs Rongen and Conaty that ROBERT  
 11 ANDRE FRAZIER was not authorized to stay anywhere else, and specifically he did not  
 12 have permission to stay at the Star Motel.

13       7. On November 16, 2015, at approximately 5:00 p.m., TFO Rongen returned  
 14 to the Star Motel and confirmed with motel staff that Izquierra checked into the motel on  
 15 November 15, 2015, using her own name, but that both she and ROBERT ANDRE  
 16 FRAZIER had stayed at the motel the previous evening. Motel staff also confirmed that  
 17 they had checked out of the motel that day, November 16, 2015. TFO Rongen obtained a  
 18 copy of the motel registration reflecting that.

19       8. On the morning of November 17, 2015, TFO Rongen returned to the Star  
 20 Motel and spoke with staff who advised him that both ROBERT ANDRE FRAZIER and  
 21 Izquierra had checked back into Room #2 the previous evening, November 16, 2015,  
 22 under both of their names. ROBERT ANDRE FRAZIER and Izquierra presented photo  
 23 identification at the time of check-in.

24       9. On November 17, 2015, at approximately 9:30 a.m., TFOs Rongen and  
 25 Conaty, with the assistance of the Seattle Police Neighborhood Corrections Initiative  
 26 (NCI) Team—specifically Officer Reyes of the Seattle Police Department (SPD) and  
 27 DOC Specialist Winfrey—conducted a surveillance operation of Room #2 at the Star  
 28 Motel. TFOs Rongen and Conaty were in an unmarked white pick-up truck equipped

1 with internal police light bars and sirens. Officer Reyes and Specialist Winfrey were in a  
 2 fully marked SPD van with overhead police light bars and sirens.

3       10. On November 17, 2015, at approximately 11:10 a.m., the same black  
 4 Honda CRV from the previous day was observed arriving and backing into a parking  
 5 space in front of Room #2 at the Star Motel. TFO Rongen observed that ROBERT  
 6 ANDRE FRAZIER was the driver and sole occupant of the Honda. Officers converged  
 7 on the parking space in their respective vehicles. TFO Conaty, wearing a conspicuous  
 8 tactical vest with clear police markings, got out of the white truck, which had activated its  
 9 police lights, and gave commands for ROBERT ANDRE FRAZIER to get out of his  
 10 vehicle and show his hands. As NCI officers converged on the location, ROBERT  
 11 ANDRE FRAZIER rammed the SPD van, then got out of his car and tried to escape on  
 12 foot before being detained and placed into custody. TFO Rongen immediately read  
 13 ROBERT ANDRE FRAZIER his constitutional rights per *Miranda*. ROBERT ANDRE  
 14 FRAZIER stated he understood his rights.

15       11. Based on information received regarding ROBERT ANDRE FRAZIER's  
 16 DOC violations, a DOC search of the vehicle was conducted to uncover any other  
 17 violations of his DOC supervision. A chrome-colored revolver was located in a backpack  
 18 seated on the rear driver's side seat. The five-round-capacity revolver was loaded with  
 19 four wadcutter lead rounds in the cylinder. A check of the National Crime Information  
 20 Center (NCIC) database revealed the revolver, an Amadeo Rossi SA, model 88, .38  
 21 special caliber revolver, bearing serial number W266688, was reported stolen to the  
 22 Seattle Police Department on September 3, 2015.

23       12. A DOC search of Room #2 at the Star Motel, where ROBERT ANDRE  
 24 FRAZIER was registered and staying, was then conducted. Izquierro was found inside.  
 25 Also inside the motel room, TFO Rongen located two Halloween masks and several  
 26 oversized zip ties that were in a black bag near the kitchen. Also recovered in another  
 27 black bag that was on the floor was an electronic scale that had white residue on it. A  
 28 cookie tin containing a baggie of suspected methamphetamine, along with several

1 cigarettes and lighters, was located under the bed nearest the bathroom. TFO Conaty  
 2 field tested the suspected methamphetamine, and it returned with a positive result from a  
 3 commercially produced field drug test kit. The methamphetamine had a package weight  
 4 of 0.9 grams.

5       13. TFO Rongen advised Izquierra of her *Miranda* warnings. She  
 6 acknowledged she understood her rights and agreed to speak with TFO Rongen.  
 7 Izquierra stated she had only known ROBERT ANDRE FRAZIER for a few days and  
 8 denied that their relationship was romantic in nature. Izquierra told TFO Rongen that  
 9 ROBERT ANDRE FRAZIER slept in the bed in the motel room and that she slept on a  
 10 cushioned chair that was located by the front door of the room. TFO Rongen inquired  
 11 about the Halloween masks that were found in the room, and Izquierra replied that they  
 12 belonged to ROBERT ANDRE FRAZIER and that he was going to use the masks to go  
 13 after the person who killed his uncle. TFOs Rongen and Conaty were aware that  
 14 ROBERT ANDRE FRAZIER had claimed that his uncle had been murdered in Renton  
 15 on November 4, 2015.

16       14. On November 23, 2015, TFO Conaty transferred custody of the recovered  
 17 revolver and four rounds of ammunition to me. On November 30, 2015, I submitted the  
 18 revolver to the Seattle Police Department Latent Print Unit for latent print and DNA  
 19 analysis. The latent print analysis was negative. DNA results are still pending.

20       15. On November 23, 2015, I spoke with ATF SA Heidi Wallace, a certified  
 21 Interstate Firearms and Ammunition Nexus Expert, who has been trained in the  
 22 recognition of firearms and ammunition and their origin of manufacture, regarding the  
 23 Amadeo Rossi SA, model 88, .38 special caliber revolver, bearing serial number  
 24 W266688, recovered from the rear of ROBERT ANDRE FRAZIER's Honda. SA  
 25 Wallace determined that this revolver is a firearm as defined by Title 18, United States  
 26 Code, Section 921(a)(3). SA Wallace also determined that the above firearm was  
 27 manufactured outside of the state of Washington and therefore had traveled in and  
 28 affected interstate commerce.

1                   Conclusion

2         16. Based on the foregoing, I respectfully submit that there is probable cause to  
3 believe that Robert Andre ROBERT ANDRE FRAZIER committed the offense of *Felon*  
4 *in Possession of a Firearm*, in violation of Title 18, United States Code, Section  
5 922(g)(1).

6                     
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8                   CATHERINE COLE, Complainant  
9                   Special Agent, ATF

10          On this date, the above-named agent provided a sworn statement attesting to the  
11 truth of the contents of the foregoing affidavit, and based on the sworn Complaint and  
12 Affidavit, the Court hereby finds that there is probable cause to believe the defendant  
13 ROBERT ANDRE FRAZIER committed the offense set forth in the Complaint.

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15          DATED this 28 day of January, 2016.

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17                   \_\_\_\_\_  
18                   Brian A. Tsuchida  
19                   United States Magistrate Judge